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Approved For Release 2003/03/25 : CIA-RDP60-00442R000100210058-8

OGC Has Reviewed

20 January 1954

MEMORANDUM FOR: Chief, SR Administrative Staff

OGC

SUBJECT :

[Redacted]

25X1

REFERENCE :

Your memorandum dated 21 September 1953, subject,
"Interpretation of Travel Expense," with Attachment A

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[Redacted]

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CENTRAL INTELLIGENCE AGENCY
OFFICIAL ROUTING SLIP

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I have reviewed your rewrite and concur in
Remarks: it for release. Following our conversation, however, I would suggest that the thought contained in para. 3, i.e., "legal residence," be expanded to include the characteristics of a permanent abode, a fixed habitat, where an individual lives and resides in a continuing and substantial manner, as opposed to the "temporary abode" where a person may be hanging his or her hat at the time of appointment. I have spoken to recently in connection with the concept of legal

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residence and apparently the operational offices consider the term "legal residence" to be sufficiently flexible to include a mere, naked, legal residence, such as might be proper for voting purposes. 'Nuff said!

JBK

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~~SECURITY INFORMATION~~

18 December 1953

25X1A9A
TO : Mr. [redacted] 25X1A
FROM: Mr. [redacted]
25X1A9A [redacted]

I have studied your memorandum at length and find no reason to quarrel with its substantive values. However, since the fundamental concepts which enable a returnee to be held in an unascertained status pending final resolution by Agency determination were a direct consequence of the [redacted] I have a slight reluctance in extending it to other situations where the justification is not equally compelling. As I understand the explanation in your paragraph 6, it states in effect that it should have been handled as a TDY situation under paragraph 1.a. It would seem to me that a person should be returned either PCS, for separation, or for PCS to a then unascertained post. In the latter event, the family should always remain at the home-leave situs until the individual's permanent status is determined. Any travel, except his own, prior thereto would appear to be premature or the result of overzealous persuasion.

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OGC/JBK:tkl

cc: JBK chrono

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21 September 1953

MEMORANDUM TO: General Counsel, CIA

ATTENTION : [REDACTED] 25X1A9A

FROM : Chief, SR Administrative Staff

SUBJECT : Interpretation of Travel Expense

25X1A REFERENCES : 1. Public Law 110 Sec. 5 (a) (1) (C)
2. [REDACTED]

25X1A9A 1. This memo is a request for an official written legal opinion. It confirms discussions of [REDACTED] and [REDACTED] on SR Travel Order for [REDACTED] Number 350-54. 25X1A9A
The points of interpretation raised in this travel order apply to many travelers and are of interest to various support offices of the DD/A and DD/P groups. Attachment A sets forth the major factors in the problem.

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[REDACTED]

Attachment A

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ATTACHMENT A

1. To determine which location an employee of the Agency may be reimbursed, on the termination of his services, for the cost of transporting his household and personal effects and for the travel expenses of himself and his dependents is a concern which requires legal interpretation of applicable authorization. Neither the travel nor the transportation section of Finance Division and Logistics Office has been able to determine conclusively for us which regulations should apply or to define those regulations which might apply. The following cases are in question:
 - a. An employee assigned to a permanent duty station outside the continental United States, who is returned to the United States for either temporary duty or for home leave, and who resigns either at his temporary duty station or at place of home leave.
 - b. An employee assigned to a permanent duty station outside the continental United States, who resigns while at his permanent duty station outside the continental United States.
 - c. An employee assigned to a permanent duty station outside the Continental United States, who is returned to a new permanent station within the continental United States, and who resigns at his new station.
 - d. An employee assigned to a permanent duty station outside the continental United States, who is returned to the continental United States for home leave and permanent change of station, and who resigns at his new permanent station after returning from home leave.

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address executed at a later date would not also change the location to which an employee would be reimbursed for travel and transportation expenses on the termination of his services.

It is also assumed that, if through a clerical error of definition, the place originally designated on a Residence and Dependency Report as place of residence when appointed to service was not in fact the "legal" residence, a correction at a later date would be allowed, either by a notice in writing from the individual or in the case of overseas personnel by a cable or dispatch giving such notice.

3. A number of employees who have recently returned to the continental United States on permanent change of station orders have not been able, due to the lower personnel ceiling, to find an available slot. They have, therefore, resigned upon arrival in Washington or while on home leave or upon returning to Washington from place of home leave.

Because of the conditions of [] it is possible that two similar employees returning for re-assignment could have different orders: one for PCS Washington and one for TDY Washington.

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25X1A9A Under [] oral interpretation []

[] This interpretation is novel to us and would work an unintentional hardship on employees with residences distant from Washington.

25X1A9A PP/Admin would not authorize transportation and travel expenses of an employee [] to his residence when the employee resigned after being returned to the continental United States for permanent change of station. Yet, FI/Admin has authorized transportation and travel expenses of an employee [] to his residence when the employee resigned after being returned to the continental United States for permanent change of station.

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4. Discussions with various employees who have handled travel and transportation on overseas orders indicate that a liberal interpretation of privileges has been in operation []

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[] In previous practice, the Agency has been shipping effects to home of record under all cases in paragraph two regardless of whether the Agency had shipped effects to the East Coast at time of original Agency appointment for either domestic or overseas duty. The previous line of demarcation has been that effects were not shipped after separation when the employee had not had recent overseas duty.

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5. SR feels that a liberal interpretation as set forth in paragraph four is equitable. Under this interpretation, all cases in paragraph one would be entitled to travel and transportation costs to his legal residence upon separation from the Agency. We recommend that the unwritten understanding now in effect be confirmed in writing.